IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 538 (SS) of 2007

Harish Kumar Pal,
S/o late Sri. S.J. Pal,
R/o Dhaulkote,
Post – Askot,
District – Pithoragarh. **…….Petitioner.**

Versus

1. State of Uttarakhand through Finance Secretary, Dehradun.
2. Director of Treasury and Finance, Uttarakhand, Dehradun.

…….Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri V.S. Pal, learned counsel for the petitioner and Sri H.M. Raturi, learned Standing Counsel for State of Uttarakhand on behalf of respondents.

Learned counsel for both the parties are agree to decide the writ petition at its admission stage.

By means of this writ petition, the petitioner has prayed for the following reliefs:

a. *Issue a writ order or direction in the nature of Mandamus Certiorari to quash the order dated 14.12.2006 passed by the respondent no. 2 which is (Annexure no. 1) to this writ petition.*
b. *Issue a writ order or direction in the nature of Mandamus directing the respondents to promote the petitioner as Treasury Officer, according per rule.*
c. *To issue any suitable writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case.*

d. To award the cost of the writ petition to the petitioner.

The stand of the petitioner is that he was appointed as Assistant Treasurer in the Treasury of District – Pithoragarh on 08.01.1975. A seniority list of Assistant Treasurer on 27.01.1994 was issued by the department and the persons junior to the petitioner have been promoted on the post of Treasury Officer vide order dated 14.12.2006.

Before filing writ petition before this court petitioner should have approached the appropriate authority for redressal of his grievances. Petitioner has not filed any document, which shows that he has raised his grievance before the respondents.

Interest of justice would be met, if petitioner is directed to make representation before the Competent Authority for redressal of his grievance and it is expected from the authority concerned that he / she will take decision on the representation of the petitioner, if moved by the petitioner, within a reasonable period preferably within a period of six weeks from the date of production of certified copy of this order along with representation, in case, petitioner is eligible to be promoted and his candidature was not considered by the respondents while making promotion and juniors to the petitioner have already been promoted.

With this direction, the writ petition as well as interim relief application is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J)

May 17, 2007
SKSHARMA